

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CENTER FOR BIOLOGICAL
DIVERSITY, et al.,

Plaintiff(s),

v.

DEBRA HAALAND, et al.,

Defendant(s).

Case No. 2:24-cv-05459-MWC-MAA

**STANDING ORDER REGARDING
NEWLY ASSIGNED CASES**

READ THIS ORDER CAREFULLY. IT CONTROLS THIS CASE.

This action has been assigned to the calendar of Judge Michelle Williams Court. The responsibility for the progress of litigation in the Federal Courts falls not only upon the attorneys in the action, but upon the Court as well. “To secure the just, speedy, and inexpensive determination of every action,” Federal Rule of Civil Procedure (“Fed. R. Civ. P.”) 1, all parties or their counsel are hereby ordered to familiarize themselves with the Fed. R. Civ. P., particularly Fed. R. Civ. P. 16, 26, the Local Rules of the Central District of California, and this Court’s Orders.

UNLESS OTHERWISE ORDERED BY THE COURT, THE FOLLOWING RULES SHALL APPLY:

1. Service of the Complaint. The Plaintiff(s) shall promptly serve the Complaint in accordance with Fed. R. Civ. P. 4 and file the proofs of service pursuant to the Local Rules. Any Defendant(s) not timely served shall be dismissed from the action without prejudice. Any “DOE” or fictitiously-named Defendant(s) who is not identified and served within 90 days after the case is filed shall be dismissed pursuant to Fed. R. Civ. P. 4(m).

2. Removed Actions. Any answers filed in state court must be refiled in this Court as a supplement to the petition. Any pending motions must be re-noticed in accordance with the Local Rules. If an action is removed to this Court that contains a form pleading (i.e., a pleading in which boxes are checked), the party or parties utilizing the form pleading must file an appropriate pleading with this Court within thirty (30) days of receipt of the Notice of Removal. The appropriate pleading referred to must comply with the requirements of Fed. R. Civ. P. 7, 7.1, 8, 9, 10 and 11.

3. Presence of Lead Counsel. The attorney attending any proceeding before this Court, including all status and settlement conferences, must be the lead trial counsel.

4. Filing. The Court’s CM/ECF system is available 24/7 for electronic filing of documents. Parties may register for access to PACER. For more information, please visit the Court’s website.

Unrepresented litigants who cannot electronically file their documents in the CM/ECF system may mail their filings to the Clerk of Court at 255 E. Temple Street, Suite TS-134, Los Angeles, CA 90012-3332 or submit documents for filing through the Court’s Electronic Document Submission System (EDSS). For additional filing information, please visit the Court’s website, scroll down to the box labeled “People without Lawyers,” and click “Questions and Answers.”

1 Attorneys who are required to manually file documents pursuant to the Local
2 Rules must mail their filings to the Clerk of Court at the above address.

3 Non-paper physical exhibits exempted from electronic filing shall be sent via
4 U.S. Mail or other commercial delivery to the Clerk of Court at the above address.

5 **5. Discovery.** All discovery matters have been referred to a United States
6 Magistrate Judge to hear all discovery disputes. (The Magistrate Judge's initials
7 follow the Judge's initials next to the case number.) All documents must include the
8 words "DISCOVERY MATTER" in the caption to ensure proper routing. Counsel
9 are directed to contact the Magistrate Judge's Courtroom Deputy Clerk to schedule
10 matters for hearing.

11 The decision of the Magistrate Judge shall be final, subject to modification by
12 the District Court Judge only where it has been shown that the Magistrate Judge's
13 order is clearly erroneous or contrary to law. Any party may file and serve a motion
14 for review and reconsideration before this Court. The moving party must file and
15 serve the motion within fourteen (14) days of service of a written ruling or within
16 fourteen (14) days of an oral ruling that the Magistrate Judge states will not be
17 followed by a written ruling. The motion must specify which portions of the text are
18 clearly erroneous or contrary to law, and the claim must be supported by points and
19 authorities. Counsel shall provide the Magistrate Judge with chambers copies of the
20 moving papers and responses consistent with the corresponding judge's procedures.

21 **6. Motions - General Requirements**

22 a. **Time for Filing and Hearing Motions:** Motions shall be filed in
23 accordance with Local Rules 6 and 7. This Court hears motions on Fridays, beginning
24 at 1:30 p.m. If the motion date selected is not available, the Court will issue a minute
25 order striking the motion. (Counsel are advised to check the availability of a selected
26 date *immediately* prior to filing the motion.) Opposition or reply papers due on a
27 holiday must be filed the preceding business day (i.e., Thursday)—not the following
28 business day (i.e., Monday)—and must be hand-delivered or emailed to opposing

1 counsel on the preceding business day. Professional courtesy dictates that moving
2 parties should, whenever possible, avoid filing motions for which opposition papers
3 will be due the Thursday preceding a holiday. Such a filing is likely to cause a
4 requested continuance to be granted.

5 Adherence to the timing requirements is mandatory for chambers'
6 preparation of motion matters.

7 b. Pre-filing Requirement: Counsel must comply with Local Rule 7-
8 3, which requires counsel to engage in a pre-filing conference "to discuss thoroughly .
9 . . the substance of the contemplated motion and any potential resolution." Counsel
10 should discuss the issues to a sufficient degree that if a motion is still necessary, the
11 briefing may be directed to those substantive issues requiring resolution by the Court.
12 Counsel should resolve minor procedural or other non-substantive matters during the
13 conference. The *pro per* status of one or more parties does not negate this
14 requirement.

15 c. Length and Format of Motion Papers: Memoranda of points and
16 authorities in support of or in opposition to motions shall not exceed 25 pages.
17 Replies shall not exceed 12 pages. Only in rare instances and for good cause shown
18 will the Court grant an application to extend these page limitations. Pursuant to the
19 Local Rules, either a proportionally spaced or monospaced font may be used. A
20 proportionally spaced face must be 14-point or larger, or as the Court may otherwise
21 order. A monospaced face may not contain more than 10½ characters per inch. These
22 typeface requirements apply to footnoted material. Counsel shall adhere to Local
23 Rule 5-4.3 with respect to the conversion of all documents to PDF format so that
24 when a document is electronically filed, it is in proper size and is text-searchable.
25 Further, all documents shall be filed in a format so that text can be selected, copied,
26 and pasted directly from the document. See Local Rule 5-4.3.1.

27 d. Documents with Declarations, Exhibits, and Other Attachments: If
28 a filed or lodged document has declarations, exhibits, or other attachments, each of

1 these must be filed as a separately docketed attachment to the main docket entry with
2 a description of the attachment (e.g., Dkt. 29-1 Smith Declaration).

3 e. Citations to Case Law: Citations to case law must identify not
4 only the case cited, but the specific page referenced. Citations to cases must be in
5 Bluebook format. Counsel may omit parallel citations. For unreported cases, the
6 Court prefers Westlaw citations.

7 f. Citations to Other Sources: Statutory references should identify
8 with specificity the sections and subsections referenced (e.g., Jurisdiction over this
9 cause of action may appropriately be found in 47 U.S.C. § 33, which grants the district
10 court jurisdiction over all offenses of the Submarine Cable Act, whether the infraction
11 occurred within the territorial waters of the United States or on board a vessel of the
12 United States outside said waters). Statutory references that do not specifically
13 indicate the appropriate section and subsection (e.g., Plaintiffs allege conduct in
14 violation of the Federal Electronic Communication Privacy Act, 18 U.S.C. §§ 2511, et
15 seq.) are to be avoided. Citations to treatises, manuals, and other materials should
16 include the volume, section, and pages being referenced.

17 g. Oral Argument: The Court strongly prefers counsel to appear in
18 person for motion hearings and pretrial and settlement conferences. Requests for a
19 remote appearance will only be considered upon a written application filed at least
20 seven (7) days before the hearing and supported by an appropriate declaration
21 establishing good cause.

22 If the Court deems a matter appropriate for decision without oral
23 argument, the Court will notify the parties in advance.

24 The Court encourages parties to permit less experienced lawyers,
25 including lawyers from historically under-represented groups, to actively participate in
26 the proceedings by presenting argument at motion hearings or examining witnesses at
27 trial. The Court is more likely to hear oral argument if any party files a notice at least
28 seven (7) days before a scheduled hearing stating that junior counsel, including

1 lawyers from historically under-represented groups, will conduct the argument, or
2 most of it.

3 **7. Specific Motion Requirements**

4 a. Motions Pursuant to Rule 12: Many motions to dismiss or to strike
5 can be avoided if the parties confer in good faith (as required under Local Rule 7-3),
6 especially for perceived defects in a complaint, answer, or counterclaim that could be
7 corrected by amendment. *See Chang v. Chen*, 80 F.3d 1293, 1296 (9th Cir. 1996)
8 (where a motion to dismiss is granted, a district court should provide leave to amend
9 unless it is clear that the complaint could not be saved by any amendment).

10 Moreover, a party has the right to amend the complaint once as a matter of course
11 within twenty-one (21) days of serving it or “if the pleading is one to which a
12 responsive pleading is required, 21 days after service of a responsive pleading or 21
13 days after service of a motion under Rule 12(b), (e), or (f), whichever is greater.” Fed.
14 R. Civ. P. 15(a)(1). Even after a complaint has been amended or the time for
15 amending it as a matter of course has run, the Federal Rules provide that leave to
16 amend should be “freely given when justice so requires.” Fed. R. Civ. P. 15(a)(2).
17 The Ninth Circuit requires that this policy favoring amendment be applied with
18 “extreme liberality.” *Morongo Band of Mission Indians v. Rose*, 893 F.2d 1074, 1079
19 (9th Cir. 1990). These principles require that plaintiff’s counsel carefully evaluate
20 defendant’s contentions as to the deficiencies in the complaint. In most instances the
21 moving party should agree to any amendment that would cure the defect.

22 b. Motions to Amend: In addition to the requirements of Local Rule
23 15-1, all motions to amend pleadings shall: (1) state the effect of the amendment; (2)
24 be serially numbered to differentiate the amendment from previous amendments; (3)
25 state the page and line number(s) and wording of any proposed change or addition of
26 material; and (4) include as an attachment a “redlined” version of the proposed
27 amended pleading indicating all additions and deletions of material.

28 c. Summary Judgment Motions: Parties need not wait until the

1 motion cutoff to bring motions for summary judgment or partial summary judgment.
2 Moreover, the court expects that the party moving for summary judgment will strictly
3 observe the timing requirements of the Local Rules and this Standing Order. A
4 motion under Rule 56 must be filed at least forty-nine (49) days prior to the date on
5 which the motion is noticed for hearing. The opposition is due not later than twenty-
6 one (21) days before the date designated for the hearing of the motion, and the reply
7 not later than fourteen (14) days before the date designated for the hearing of the
8 motion. Because summary judgment motions are fact-dependent, parties should
9 prepare papers in a fashion that will assist the court in absorbing the mass of facts
10 (e.g., generous use of tabs, tables of contents, headings, indices). The parties are to
11 comply precisely with Local Rule 56-1 through 56-4. No party may file more than
12 one motion pursuant to Fed. R. Civ. P. 56, regardless of whether such motion is
13 denominated as a motion for summary judgment or summary adjudication, without
14 leave from the Court.

15 i. Statement of Undisputed Facts and Statement of Genuine Issues:

16 The separate statement of undisputed facts shall be prepared in a two-column format.
17 The left-hand column sets forth the allegedly undisputed fact. The right-hand column
18 sets forth the evidence that supports the factual statement. The factual statements
19 should be set forth in sequentially numbered paragraphs. Each paragraph should
20 contain a narrowly focused statement of fact. Each numbered paragraph should
21 address a single subject as concisely as possible.

22 The opposing party's statement of genuine issues must be in two columns
23 and track the movant's separate statement exactly as prepared. The left-hand column
24 must restate the allegedly undisputed fact, and the right-hand column must state either
25 that it is undisputed or disputed. The opposing party may dispute all or only a portion
26 of the statement, but if disputing only a portion, it must clearly indicate which part is
27 being disputed, followed by the opposing party's evidence controverting the fact. The
28 court will not wade through a document to determine whether a fact really is in

1 dispute. To demonstrate that a fact is disputed, the opposing party must briefly state
2 why it disputes the moving party's asserted fact, cite to the relevant exhibit or other
3 piece of evidence, and describe what it is in that exhibit or evidence that refutes the
4 asserted fact. No legal argument should be set forth in this document.

5 The opposing party may submit additional material facts that bear on or
6 relate to the issues raised by the movant, which shall follow the format described
7 above for the moving party's separate statement. These additional facts shall continue
8 in sequentially numbered paragraphs and shall set forth in the right-hand column the
9 evidence that supports that statement.

10 ii. Supporting Evidence: No party shall submit evidence other than
11 the specific items of evidence or testimony necessary to support or controvert a
12 proposed statement of undisputed fact. For example, entire deposition transcripts,
13 entire sets of interrogatory responses, and documents that do not specifically support
14 or controvert material in the separate statement shall not be submitted in support of
15 opposition to a motion for summary judgment. The court will not consider such
16 material. Evidence submitted in support of or in opposition to a motion should be
17 submitted either by way of stipulation or as exhibits to declarations sufficient to
18 authenticate the proffered evidence, and should not be attached to the memorandum of
19 points and authorities. The court will accept counsel's authentication of deposition
20 transcripts, written discovery responses and the receipt of documents in discovery if
21 the fact that the document was in the opponent's possession is of independent
22 significance. Documentary evidence as to which there is no stipulation regarding
23 foundation must be accompanied by the testimony, either by declaration or properly
24 authenticated deposition transcript, of a witness who can establish authenticity.

25 iii. Objections to Evidence: If a party disputes a fact based in whole
26 or in part on an evidentiary objection, the ground of the objection, as indicated above,
27 should be stated in a separate statement but not argued in that document.

28 **8. Proposed Orders**. Each party filing or opposing a motion or seeking the

determination of any matter shall serve, and electronically lodge, a proposed order setting forth the relief or action sought and a brief statement of the rationale for the decision with appropriate citations. Proposed Orders must be on pleading paper and must not include attorney information on the caption page, should not contain a footer with the document name or other information, and should not contain a watermark or designation of the firm name in the margin. In addition, a copy of the proposed order in Word format shall be emailed directly to the Court's chambers email address at MWC_Chambers@cacd.uscourts.gov on the date the document is electronically filed. If the proposed order is based on a stipulation or an ex parte application, counsel must email both the order and the stipulation or ex parte application. Otherwise, accompanying documents (such as motions) should *not* be emailed to chambers.

9. Chambers Copies. Please do *not* provide chambers/courtesy copies. In the rare instance in which the Court would like chambers copies for a particular situation, the Court will issue an order requesting them.

10. Telephonic Hearings. The Court does not permit appearances or arguments by way of telephone conference calls.

11. Ex Parte Applications. The Court considers ex parte applications on the papers and does not usually set these matters for hearing. If a hearing is necessary, the parties will be notified. Ex parte applications are solely for extraordinary relief, are rarely granted, and should be used with discretion. Sanctions may be imposed for misuse of ex parte applications. *See Mission Power Engineering Co. v. Continental Casualty Co.*, 883 F. Supp. 488 (C.D. Cal. 1995). Ex parte applications that fail to conform to Local Rule 7-19 will not be considered, except on a specific showing of good cause.

Counsel for the applicant must provide advance notice of the application by telephone and email to all other parties. In addition to the information required by Local Rule 7-19.1, the notice must advise the other parties of the anticipated deadline to oppose the application. The applicant must serve the application by facsimile,

1 email, or personal service, even if electronic service is effected under Local Rule 5-
2 3.2.1. Oppositions to ex parte applications must be filed within 24 hours of the filing
3 of the application, subject to Rule 6(a)(2). If an opposing party does not intend to
4 oppose the ex parte application, counsel must inform the Courtroom Deputy Clerk by
5 email as soon as possible.

6 **12. TROs and Injunctions.** Parties seeking emergency or provisional relief
7 shall comply with Fed. R. Civ. P. 65 and Local Rule 65. The Court will not rule on
8 any application for such relief for at least twenty-four hours after the party subject to
9 the requested order has been served, unless service is excused. Such party may file
10 opposing or responding papers in the interim.

11 **13. Continuances.** This Court has a strong interest in keeping scheduled
12 dates certain. Changes in dates are disfavored. Trial dates set by the Court are firm
13 and will rarely be changed. Therefore, a stipulation to continue the date of any matter
14 before this Court *must* be supported by a sufficient basis that demonstrates good cause
15 why the change in the date is essential. Without such compelling factual support,
16 stipulations continuing dates set by this Court will not be approved. Counsel
17 requesting a continuance must lodge a proposed stipulation and order including a
18 *detailed* declaration of the grounds for the requested continuance or extension of time.
19 The requesting party must also set forth: whether there have been prior requests for
20 extension, whether these requests were granted by the Court, a description of the
21 diligence of the party seeking the continuance, and any prejudice that may result if the
22 continuance is denied. Failure to comply with the Local Rules and this Order will
23 result in rejection of the request without further notice to the parties. Proposed
24 stipulations extending scheduling dates do not become effective unless and until this
25 Court so orders. Counsel wishing to know whether a stipulation has been signed shall
26 comply with the applicable Local Rule.

27 **14. Communications with Chambers.** Counsel shall not attempt to contact
28 the Court or its staff by telephone or by any other ex parte means unless contact has

1 been first initiated by chambers staff. Counsel must not contact the Courtroom
2 Deputy Clerk regarding the status of any matter before the Court. Counsel may
3 contact the Courtroom Deputy Clerk with *appropriate* inquiries only. The preferred
4 method of communication with the Courtroom Deputy Clerk is email. To facilitate
5 communication with the Courtroom Deputy Clerk, counsel should list their email
6 addresses along with their telephone numbers on all papers.

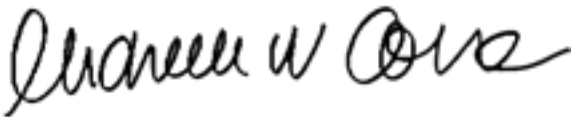
7 **15. Order Setting Scheduling Conference.** Pursuant to Fed. R. Civ. P.
8 16(b), the Court will issue an Order setting a Scheduling Conference as required by
9 Fed. R. Civ. P. 26 and the Local Rules of this Court. Strict compliance with Fed. R.
10 Civ. P. 16 and 26 is required.

11 **16. Alternative Dispute Resolution (ADR).** This Court participates in the
12 Court-Directed ADR Program. If counsel have received a Notice to Parties of Court-
13 Directed ADR Program (ADR-08), the case will be presumptively referred to the
14 Court Mediation Panel or to private mediation at the time of the initial scheduling
15 conference. *See* General Order 11-10, § 5.1. Counsel should include their shared or
16 separate views regarding a preference for the Court Mediation Panel or private
17 mediation, and when the mediation should occur, in the written report required by
18 Fed. R. Civ. P. 26(f) and Local Rule 26-1. This Court generally does not refer
19 settlement conferences to magistrate judges. For information about the Court's ADR
20 Program, the Mediation Panel, and mediator profiles, visit the "ADR" page of the
21 Court website.

22 **Notice of this Order.** Counsel for plaintiff or plaintiff (if appearing on his or
23 her behalf) shall immediately serve this Order on all parties, including any new parties
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1 to the action. If this case came to the Court by a Petition for Removal, the removing
2 defendant(s) shall serve this Order on all other parties.

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4
5 Dated: November 22, 2024


HON. MICHELLE WILLIAMS COURT
UNITED STATES DISTRICT JUDGE